

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## MODIFICATION TO MUNICIPAL SOLID WASTE PERMIT NO. 2158 CHARTER WASTE LANDFILL

Municipal Solid Waste Permit No. 2158 is hereby modified as follows:

### Description of Change:

This modification authorizes the use of filter cake material as alternate daily cover on a permanent basis.

The details of this permit modification are contained in the application dated June 3, 2010 and received June 21, 2010.

### Part of Permit Modified:

Part IV Site Operating Plan, Section 25.3 Alternate Daily Cover: Identify filter cake material as a permanently authorized alternate daily cover. Strike language identifying filter cake material as temporarily authorized; strike language requiring status reports through the temporary authorization period, which was completed.

Part IV Site Operating Plan, Appendix B, Filter Cake Alternate Daily Cover Operating Plan: Section 1 – Add language identifying filter cake material as a permanently authorized alternate daily cover. Section 2 – Add language identifying the temporary authorization period and the effectiveness of the filter cake material, during that period, for use as alternate daily cover. Strike out the language requiring status reports through the completed, temporary authorization period.

This modification is a part of Permit No. 2158 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with Title 30 Texas Administrative Code Chapter 305, Section 305.70(k)(1) and Chapter 330, Section 330.165(d).

ISSUED DATE:

DEC 09 2010

  
For the Commission

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

December 15, 2010

TO: Persons on the attached mailing list.

RE: Charter Waste Landfill – Ector County  
Permit No. 2158

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on December 9, 2010, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, reading "LaDonna Castañuela". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

LaDonna Castañuela  
Chief Clerk

LDC/lg

Enclosure

MAILING LIST  
FOR  
Charter Waste Landfill  
Permit No. 2158

FOR THE APPLICANT:

Michael Stewart  
Environmental Manager  
Republic Waste Services of Texas, Ltd.  
2575 IH 35, Suite 103  
San Marcos, Texas 78666

David R. Friels, P.E.  
Solid Waste Manager  
Shaw Environmental, Inc.  
6330 Commerce Drive, Suite 190  
Irving, Texas 75063

PROTESTANTS/INTERESTED  
PERSONS:

Mr. & Mrs. W. L. Watson  
P.O. Box 265  
Penwell, Texas 79776

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Guy Henry, Senior Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087

Teres McCaine, P.E., Technical Staff  
Texas Commission on Environmental  
Quality  
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P.O. Box 13087  
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FOR OFFICE OF PUBLIC ASSISTANCE  
via electronic mail:

Bridget Bohac, Director  
Texas Commission on Environmental  
Quality  
Office of Public Assistance MC 108  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

LaDonna Castañuela  
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Quality  
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